

FULL NAME
Marquice Bruce
 COMMITTED NAME (if different)
3102 E Highland Avenue
 FULL ADDRESS INCLUDING NAME OF INSTITUTION
Patton, Ca 92369
 PRISON NUMBER (if applicable)



UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Marquice Bruce PLAINTIFF,
 v.
Twin Towers County Facility
Et al. DEFENDANT(S).

CASE NUMBER 5:24CV00952-SSS-AS
To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT
 PURSUANT TO (Check one)

- ☐ 42 U.S.C. § 1983
☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No
 2. If your answer to "1." is yes, how many? _____

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

a. Parties to this previous lawsuit:

Plaintiff Marguice BruceDefendants Twin Towers, Gonzalez, Leora, Moran

b. Court _____

c. Docket or case number 5:24CV952d. Name of judge to whom case was assigned AIKA SAGARe. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) Still Pending

f. Issues raised: _____

g. Approximate date of filing lawsuit: _____

h. Approximate date of disposition _____

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No

If your answer is no, explain why not _____

3. Is the grievance procedure completed? ☒ Yes ☐ No

If your answer is no, explain why not _____

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTIONThis complaint alleges that the civil rights of plaintiff Marguice Bruce

(print plaintiff's name)

who presently resides at 3102 E Highland Ave. Patton Ca. 92369

(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

Twin Tower Correctional Facility

(institution/city where violation occurred)

on (date or dates) April 11, 2022, _____, _____
(Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant Twin Tower Correctional Facility resides or works at
(full name of first defendant)
450 Bauchet St LA, Ca 90012
(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Caused And Neglected to ~~rectify~~ recognize the grievances
Filed By Marguire Bruce

2. Defendant Gonzalez resides or works at _____
(full name of first defendant)
450 Barchet St LA, Ca 90012
(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Ordered Personnel to carry out different Acts against Marquice Bruce While dismissing Greivence Procedures

3. Defendant Leora resides or works at
(full name of first defendant)
450 Bauchet St LA, Ca 90012
(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Ordering Medical Personnel to screen Margulise Bruce(s)
Lab Results but deny treatment.

4. Defendant Moran _____ resides or works at
(full name of first defendant)
450 Bauchet st LA, Ca 90012
(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Gave Nursing staff reason for denying Marguire Bruce
treatment

5. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

D. CLAIMS*

CLAIM I

The following civil right has been violated:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

[illegible]

**If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

- Full medical Bills Paid
 - Court And lawyer Fees Paid
 - Pain And suffering
 - loss wages
 - Family Support
 - Full Pardon
- and Pay Marguice Bruce the Sum of
- \$350,000,000.00 million dollars

6-28-24
(Date)

Marguice Bruce
(Signature of Plaintiff)

Claim I

D The Complaint against Twin Tower County Facility is based Upon the Food Poisoning that occurred while ~~the~~ Marguice Bruce was housed in the 142 Modular

The abuse started April 11 2022 personnel involved is Gonzolez, Leora, Moran, who did more then conspire these individual acted with Malice Moran openly accused Marguice Bruce of being a Molester after Gonzolez ~~wishandle Food~~ Gave Leora a burrito that was received From another inmate with knowlege that the Food was Tampered that Gonzolez had prepared to be served to Marguice Bruce For a result that Marguice Bruce would become ill and Pass away or have to require surgery in the Near future. With out medically addressing Health issues that was caused by Personnel and neglected At A time

Marguice Bruce Request that 142 Modular Footage be investigated for Proof in time

April 11, 2022 to July 15th 2022 and Grievances that are out side that time frame is the Continuance of Abuse

Request to Amend

Marguice Bruce

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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION
9

10 MARQUICE BRUCE,

11 Plaintiff,

12 v.

13 TWIN TOWERS COUNTY FACILITY,
14 et al.,

15 Defendants.

Case No. EDCV 24-0952-SSS (AS)

ORDER DISMISSING COMPLAINT

WITH LEAVE TO AMEND

16 INTRODUCTION
17

18 On May 3, 2024, Marquice Bruce ("Plaintiff"), a California
19 detainee proceeding pro se, filed a Civil Rights Complaint
20 ("Complaint") pursuant to 42 U.S.C. § 1983 against the Twin Towers
21 County Facility ("Twin Towers") in Los Angeles, California, and
22 three Twin Towers correctional officers - Leora, Gonzalez, and
23 Moran - sued in their individual capacities.¹ (Dkt. No. 1). The
24

25 ¹ On May 30, 2024, in this same action, Plaintiff also filed
26 a "Request for Hearing and Petition for Habeas Corpus to Dismiss a
27 Felony Complaint" ("Request"). (Dkt. No. 5). Based on the Request
28 and exhibits attached thereto, it appears Plaintiff has state
felony charges pending against him but has been found incompetent
pursuant to California Penal Code section 1368 and was transferred

1 Court has screened the Complaint as prescribed by 28 U.S.C. § 1915A
2 and 42 U.S.C. § 1997e. For the reasons discussed below, the Court
3 DISMISSES Plaintiff's Complaint WITH LEAVE TO AMEND.²

4
5 **STANDARD OF REVIEW**
6

7 Congress mandates that district courts initially screen civil
8 complaints filed by prisoners seeking redress from a governmental
9 entity or employee. 28 U.S.C. § 1915A. A court may dismiss such a
10 complaint, or any portion thereof, if the court concludes that the
11 complaint: (1) is frivolous or malicious, (2) fails to state a
12 claim upon which relief may be granted, or (3) seeks monetary
13 relief from a defendant who is immune from such relief. Id.
14 § 1915A(b); see also id. § 1915(e)(2) ("[The court] shall dismiss
15 the case at any time if the court determines that . . . the
16 action . . . (i) is frivolous or malicious; (ii) fails to state a
17 claim on which relief may be granted; or (iii) seeks monetary
18 relief against a defendant who is immune from such relief.");
19 accord Lopez v. Smith, 203 F.3d 1122, 1126-27 & n.7 (9th Cir. 2000)
20 (en banc). In addition, dismissal may be appropriate if a complaint
21 violates Rule 8 of the Federal Rules of Civil Procedure. McHenry

22
23
24 from Twin Towers to Patton State Hospital. The Request - which will
25 be addressed by separate order - seeks an order discharging
26 Plaintiff from the hospital and releasing him from state custody.
(Request at 1-2).

27 ² Magistrate judges may dismiss a complaint with leave to
28 amend without approval from the district judge. McKeever v. Block,
932 F.2d 795, 798 (9th Cir. 1991).

1 v. Renne, 84 F.3d 1172, 1179 (9th Cir. 1996); Nevijel v. Northcoast
2 Life Ins. Co., 651 F.2d 671, 673 (9th Cir. 1981).

3
4 In considering whether to dismiss a complaint, a court is
5 generally limited to the pleadings and must construe "[a]ll factual
6 allegations set forth in the complaint . . . as true and . . . in
7 the light most favorable" to the plaintiff. Lee v. City of Los
8 Angeles, 250 F.3d 668, 688 (9th Cir. 2001) (citation omitted).
9 Moreover, pro se pleadings are "to be liberally construed" and
10 "held to less stringent standards" than those drafted by a lawyer.
11 Erickson v. Pardus, 551 U.S. 89, 94 (2007) (citation omitted).
12 Nevertheless, dismissal for failure to state a claim can be
13 warranted based on either the lack of a cognizable legal theory or
14 the absence of factual support for a cognizable legal theory.
15 Mendiondo v. Centinela Hosp. Med. Ctr., 521 F.3d 1097, 1104 (9th
16 Cir. 2008).

17 18 DISCUSSION

19
20 Plaintiff's Complaint warrants dismissal for violation of
21 Federal Rule of Civil Procedure 8, among other deficiencies
22 addressed below. Leave to amend is granted, however, because it is
23 not "absolutely clear that the deficiencies of the complaint could
24 not be cured by amendment." Akhtar v. Mesa, 698 F.3d 1202, 1212
25 (9th Cir. 2012).

26
27 Rule 8 requires that a complaint contain "a short and plain
28 statement of the claim showing that the pleader is entitled to

1 relief,' in order to 'give the defendant fair notice of what
2 the . . . claim is and the grounds upon which it rests.'" Bell
3 Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007) (quoting Fed.
4 R. Civ. P. 8(a)). "Each allegation must be simple, concise, and
5 direct." Fed. R. Civ. P. 8(d)(1). Conclusory allegations are
6 insufficient. See Ashcroft v. Iqbal, 556 U.S. 662, 678, 686 (2009).
7 A complaint is subject to dismissal for violating Rule 8 if "one
8 cannot determine from the complaint who is being sued, for what
9 relief, and on what theory." McHenry, 84 F.3d at 1178; see also
10 Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc., 637 F.3d
11 1047, 1058-59 (9th Cir. 2011) (a complaint violates Rule 8 if a
12 defendant would have difficulty understanding and responding to
13 the complaint); McKeever v. Block, 932 F.2d 795, 798 (9th Cir.
14 1991) (noting that under Rule 8(a) a complaint must contain
15 "sufficient allegations to put defendants fairly on notice of the
16 claims against them").

17
18 Plaintiff's Complaint violates Rule 8 because it fails to
19 provide adequate notice of the claims he is asserting. The
20 Complaint appears to assert several vague, unrelated claims -
21 listed as "wrongful arrest, denial of a speedy trial[,], cruel and
22 unusual punishment[,], food poisoning[,], denial in medicine[,]
23 illegal detainer[,], unlawful detention[,], [and] due process
24 violation" (Compl. at 5)³ - with no clear indication of the legal
25 grounds and factual circumstances at issue in each claim. The
26

27 ³ In quoting from Plaintiff's handwritten Complaint, this
28 Order omits some arbitrary capitalization.

1 Complaint also contains a series of disconnected factual
2 allegations with little context. For example, Plaintiff asserts
3 that Defendant Moran "continu[ou]sly spread rumors" about Plaintiff
4 to the Twin Towers nursing staff that "led to denying [Plaintiff]
5 processing in treatment and movement that would have assured [him]
6 proper procedures in transportation to and from court as well as
7 medical screenings to July 15, 2022." (Compl. at 5). Elsewhere in
8 the Complaint, Plaintiff writes that Moran is liable for
9 "defamation of character, instructing nursing staff to deny
10 medications to Plaintiff." (Compl. at 4). Plaintiff offers no other
11 facts about this. He thus fails to specify the nature of Moran's
12 "rumors," how these alleged rumors caused Plaintiff to receive
13 improper treatment or transportation, the type of treatment or
14 transportation Plaintiff required and why, or what harm resulted.
15 Without such facts, Defendant cannot adequately discern the basis
16 for the claim(s) against him and properly respond.

17
18 Plaintiff also states that Defendants Gonzalez and Leora, on
19 April 11, 2022, conspired to prepare "multiple meals that can cause
20 an untimely death" and "coerc[ed] other employees to deny
21 [Plaintiff] services that can cure or prevent the consumption of
22 hazardous waste." (Compl. at 5). Plaintiff further asserts that
23 Twin Towers custody personnel caused him to be subjected to a "food
24 poisoning dinner" on January 22 and March 15, 2024. (Compl. at 7).
25 Yet, Plaintiff does not specify how each of these Defendants was
26 involved in the meals, nor does he allege facts indicating whether
27 Defendants were (or should have been) aware of the harm posed by
28 the food, or what harm resulted. Again, without such facts,

1 Defendants cannot sufficiently understand the basis for the claims
2 being asserted against them or respond appropriately.

3
4 Plaintiff's other allegations are similarly inadequate. He
5 states, for example, that officers coerced a psychiatrist or
6 psychologist to write disciplinary reports to "deny actions,
7 services, medicine, [and] religious meal[s]." (Compl. at 7). He
8 also appears to claim that an "unlawful detainer" was filed in
9 August 2022, as a result of which he was "transported to Patton
10 State Hospital and back to [Twin Towers] without trial." (Compl.
11 at 5). Plaintiff does not seem to provide any other facts about
12 these circumstances, and it is unclear if or how they relate to
13 the other circumstances alleged in the Complaint.

14
15 Moreover, to the extent Plaintiff intends to assert federal
16 claims against Twin Towers - construed as claims against the County
17 of Los Angeles⁴ - Plaintiff must allege facts showing that a policy,
18 custom, or practice of the municipal entity was the cause of a
19 violation of Plaintiff's constitutional rights. See Villegas v.
20 Gilroy Garlic Festival Ass'n, 541 F.3d 950, 957 (9th Cir. 2008).
21 "[P]roof of a single incident of unconstitutional activity," or
22 even a series of "isolated or sporadic incidents," will not give
23 rise to the entity's liability under § 1983. Gant v. County of Los
24 Angeles, 772 F.3d 608, 618 (9th Cir. 2014) (citation omitted).
25 Rather, liability must be "founded upon practices of sufficient
26

27 ⁴ It is unclear whether Twin Towers itself is properly subject
28 to suit, but the Court need not resolve that issue at this juncture.

1 duration, frequency and consistency that the conduct has become a
2 traditional method of carrying out policy." Trevino v. Gates, 99
3 F.3d 911, 918 (9th Cir. 1996).

4
5 Accordingly, the Complaint warrants dismissal with leave to
6 amend for violation of Rule 8 because Defendants would have
7 difficulty understanding and responding to Plaintiff's claims. To
8 remedy this problem, Plaintiff must, at a minimum, provide clear
9 factual allegations against each Defendant and expressly identify
10 which Defendant(s) are sued in each claim and which allegations
11 are at issue in each claim. See Bell Atlantic Corp. v. Twombly,
12 550 U.S. 544, 555 & n.3 (complaint must allege enough specific
13 facts to provide both "fair notice" of the particular claim being
14 asserted and "the grounds upon which [that claim] rests").

15
16 In addition, to the extent that the Complaint challenges the
17 fact or duration of his state custody, such claims are not
18 cognizable in this § 1983 action and must instead be brought
19 separately in a properly filed petition for writ of habeas corpus
20 under 42 U.S.C. § 2254. See Pinson v. Carvajal, 69 F.4th 1059, 1071
21 (9th Cir. 2023) ("[A]n action sounds in habeas 'no matter the
22 relief sought (damages or equitable relief), no matter the target
23 of the prisoner's suit . . . if success in that action would
24 necessarily demonstrate the invalidity of confinement or its
25 duration.'" (quoting Wilkinson v. Dotson, 544 U.S. 74, 82 (2005))).
26 Moreover, if such claims concern criminal proceedings that remain
27 pending in state court, they may be barred by Younger v. Harris,
28 401 U.S. 37 (1971).

1 complaint. Plaintiff is strongly encouraged to utilize the standard
2 civil rights complaint form when filing any amended complaint, a
3 copy of which is attached.
4

5 Plaintiff is explicitly cautioned that failure to timely file
6 a First Amended Complaint, or failure to correct the deficiencies
7 described above, may result in a recommendation that this action,
8 or portions thereof, be dismissed with prejudice for failure to
9 prosecute and/or failure to comply with court orders. See Fed. R.
10 Civ. P. 41(b); Applied Underwriters, Inc. v. Lichtenegger, 913 F.3d
11 884, 891 (9th Cir. 2019) ("The failure of the plaintiff eventually
12 to respond to the court's ultimatum - either by amending the
13 complaint or by indicating to the court that it will not do so -
14 is properly met with the sanction of a Rule 41(b) dismissal.")
15 (emphasis omitted) (quoting Edwards v. Marin Park, Inc., 356 F.3d
16 1058, 1065 (9th Cir. 2004)). Plaintiff is further advised that if
17 he no longer wishes to pursue this action in its entirety or with
18 respect to particular defendants or claims, he may voluntarily
19 dismiss all or any part of this action by filing a Notice of
20 Dismissal in accordance with Federal Rule of Civil Procedure
21 41(a)(1). A form Notice of Dismissal is attached for Plaintiff's
22 convenience.
23

24 **IT IS SO ORDERED.**

25
26 Dated: June 21, 2024

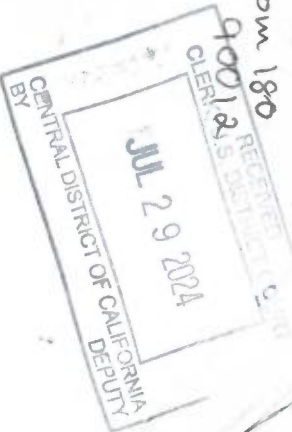
27 /s/
28 ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE

Marguice Bruce 1782994
PATTON STATE HOSPITAL
3102 E. HIGHLAND AVENUE
PATTON, CA 92369

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